

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**13<sup>th</sup> November 2023**

|   |   |   |
|---|---|---|
| <b>Application No:</b>  | HPK/2023/0286                                       |   |
| <b>Location</b>   | Land at Forge Road, Chinley                         |   |
| <b>Proposal</b>   | Permission in principle for residential development |   |
| <b>Applicant</b>  | Mr Bennett Longman                                  |   |
| <b>Agent</b>  | Emery Planning Partnership                          |   |
| <b>Parish/ward</b>  | Chinley   | <b>Date registered</b> 17 <sup>th</sup> July 2023 |
| <b>If you have a question about this report please contact:</b> Rachael Simpkin<br>rachael.simpkin@highpeak.gov.uk 01538 395400 ext. 4122 |   |   |

### **1. REFERRAL**

1.1 This planning application has been referred to DC Committee as it is locally controversial.

### **2. SUMMARY OF RECOMMENDATION**

**REFUSE**

### **3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The scheme relates to a 0.14 hectare previously developed site fronting Forge Road to the north with Blackbrook Drive (and children's nursery beyond) and New Road to its east and west boundaries respectively. The Chinley and Whitehough Conservation Area lies further to the west but is injected by footpath 124 and site under construction for 12 additional residential units.
- 3.2 The application site is located within the Adopted Local Plan built up area boundary, and flood zones 2 and 3. In addition, it also falls within the Chapel-en-le-Frith Neighbourhood Plan Area and Housing Allocation HS2 Former Dorma Site.
- 3.3 The wider development site lies in a dip to the south of the village of Chinley and north of the hamlet of Whitehough being nestled between Black Brook to the north and the Peak Forest Tramway to the south. The Black Brook watercourse lies adjacent on the northern side of Forge Road beyond which continues the Whitehough Built up Area Boundary and Chapel-en-le-Frith Neighbourhood Plan Area. To the north of the defined village settlement boundary is the Peak District National Park.
- 3.4 The villages of Chinley and Whitehough benefit from a range of local shops, post office, public houses and a local primary school. Chinley Railway Station is 700 metres away and provides mainline services to Manchester and Sheffield. Bus

services from Chinley also provide links to the local towns of Chapel-en-le-Frith and Glossop.

#### **4. THE APPLICATION PROPOSAL**

- 4.1 Permission in Principle (PIP) is sought for the construction of up to 9 residential units and associated works. Indicative plans have been submitted showing how the site could be developed for a 3-storey building by providing a mix of 1 and 2 bedroomed apartments on the same footprint as the previously approved work / live unit.
- 4.2 The application and details attached to it, including the plans, supporting documents, representations made by residents and the responses from consultees - can be found on the Council's website at:-

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=262254>

#### **5. RELEVANT PLANNING HISTORY**

- HPK/2022/0520 Certificate of Lawful Proposed Development to confirm that the construction of a new building comprising B1 offices/workshops on the ground floor with a flat above pursuant to planning permission HPK/2019/0417 would be lawful. Deemed lawful 20<sup>th</sup> January 2023.
- HPK/2021/0234 Variation to Section 106 Agreement (HPK/2012/0323) to reduce affordable housing provision. Completed 12<sup>th</sup> January 2022.
- HPK/2021/0216 Reserved Matters application (revised) with details of the appearance, landscaping, layout and scale for Phase 2 of the residential development comprising of 62 dwellings and associated works pursuant to planning appeal reference APP/H1033/A/13/21898819 (HPK/2012/0312). Approved with conditions 5<sup>th</sup> April 2023.
- HPK/2020/0518 Vary section 106 planning obligation to reduce affordable housing provision relating to HPK/2012/0323 (appeal ref. APP/H1033/A/13/2189819). Refused 25<sup>th</sup> May 2021.
- HPK/2020/0197 Application for variation of condition 1 in relation to HPK/2016/0313. Withdrawn.
- HPK/2019/0561 Detailed Planning Application For Revisions To Layout Approved Under Reserved Matters Approval HPK/2016/0313 (Phase 2) Comprising Alternative Road Layout, The Repositioning Of A Bridge Crossing Black Brook And Revised Dwelling Types For Plots 110 – 114. Refused 13<sup>th</sup> November 2020 and appeal dismissed.
- HPK/2019/0518 New access / parking arrangements for Chinley Day Nursery. Approved with conditions 21<sup>st</sup> August 2020. Approved with conditions 14<sup>th</sup> April 2020.

- HPK/2019/0417 Construction of new building comprising of B1 offices/Workshops on the ground floor and a flat above. EXTANT.
- HPK/2019/0183 Application for variation of condition 2 in regards to HPK/2014/0582. Withdrawn.
- HPK/2018/0616 Detailed Planning Application For Revisions To Layout Approved Under Reserved Matters Approval HPK/2016/0313 (Phase 2) Comprising Alternative Road Layout And Revised Layout Of 13 no. Dwellings. Withdrawn.
- HPK/2018/0143 Residential development comprising 12 dwellings (open market and affordable), public open space and associated infrastructure together with a new car park for 1st Chinley Scout Group. Approved with conditions 25<sup>th</sup> March 2021.
- HPK/2017/0663 Variation of Section 106 agreement. Completed 20<sup>th</sup> November 2017.
- HPK/2016/0313 Reserved Matters application with details of the appearance, landscaping, layout and scale for Phase 2 of the residential development comprising of 62 dwellings and associated works pursuant to planning appeal reference APP/H1033/A/13/21898819 (HPK/2012/0312). Approved November 2017.
- HPK/2014/0582 Erection of a building to accommodate a D1 day nursery with ancillary worker accommodation and construction of a bin store. Approved with conditions February 2015.
- HPK/2013/0577 Application for Approval of Reserved Matters following Outline Approval For Phase 1 - Construction Of 91 No. Dwellings, 1no. B1 Office Unit And 1no.D1 Creche Unit Including Access From Green Lane / Whitehough Head Lane and Associated Works (Reserved Matters - Large-Scale Major). Approved with conditions January 2014.
- HPK/2012/0323 Demolition of remaining structures & redevelopment for up to 182 dwellings, up to 1,672 sqm business floorspace (use class B1), up to 279sqm of non residential institution floorspace (use class D1), community facilities & associated infrastructure – Allowed at appeal May 2013.
- HPK/2011/0683 Outline application for the redevelopment of the site – Withdrawn February 2012.

## **6. PLANNING POLICIES RELEVANT TO THE DECISION**

### **Adopted High Peak Adopted Local Plan 2016**

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy

- S3 Strategic Housing Development
- S4 Maintaining and enhancing an economic base
- S6 Central Sub-area Strategy
- EQ11 Flood Risk Management
- E1 New Employment Development
- E3 Primary Employment Zones
- E4 Change of Use of Existing Land and Premises
- H1 Location of Housing Development
- CF6 Accessibility and Transport

## **Chapel-en-le-Frith Neighbourhood 2013-2028 XXX**

Policy H1: Housing Allocations

Policy H3: Small Sites

### **Supplementary Planning Documents (SPDs)**

- Residential Design Guide SPD (2005)
- High Peak Design Guide SPD (2018)

### **Other Relevant Documents**

- High Peak Housing and Economic Land Needs Assessment (HELNA) September 2022

### **National Planning Policy Framework (NPPF)**

### **National Planning Practice Guidance (NPPG)**

## **7. CONSULTATIONS**

|                     |         |
|---------------------|---------|
| <b>Site notice</b>  | Expired |
| <b>Press notice</b> | Expired |
| <b>Neighbours</b>   | Expired |

### **Public comments**

Councillor Dan Capper

*In discussing this application with many local forge manor residents, it isn't the objection to developing the land for residential use that is of concern, more the proposed nature of the development. The forge manor estate has a very defined character, one that would be a fair and right expectation from all those living there to be maintained. The forge manor is a welcomed development, but it must not be overlooked that this development has already grown in scale, and has more than tripled the population of Whitehough hamlet, without any additional infrastructure to allow safe pedestrian access to the village or any consideration to the increased traffic. I strongly agree with their concerns and comments, I think the Council should give some assurances that development needs to be proportionate and appropriate for its village setting. There is neither a precedence nor a requirement for three stories.*

## Objections (43)

Summary as follows:

- Differs to original proposal at the beginning of the Forge Manor development
- Concerns about added strain on local services and infrastructure – namely schools, NHS, drainage infrastructure
- Poor public transport links to accommodate the added population
- Visual amenity / design
- Scheme would not be in keeping with the area
- 3-storey building would breach covenants for the area
- Highway safety
- Increased traffic and on-street parking
- Flood risk
- Overlooking concerns into gardens and nursery
- Amenity including light pollution

### Support

None.

### **CONSULTATIONS:**

| <b>Consultee</b>  |                      | <b>Officer response</b>                |
|---|----------------------|--|
| <b>Chapel-en-le-Frith Parish Council</b>  | <b>Awaited</b>       | <b>Refer to Update Report</b>          |
| -   |                      |  |
| <b>Chinley Buxworth &amp; Brownside Parish Council</b>  | <b>Awaited</b>       | <b>Refer to Update Report</b>          |
| -   |                      |  |
| <b>Derbyshire County Council (Highways)</b>   | <b>No objections</b> | <b>Refer to Other Matters Section.</b> |
| <p>02.11.23:</p> <p>Considering the type of application submitted i.e. permission in principle, which is required to provide limited details, it is considered that there are no grounds for a highway related objection at this stage. The layout submitted indicates 9 apartments with 10 parking spaces which is in accordance with guidance; however, I am sure that you will assess the proposed parking provision against those in HPBC's Local Plan.</p> |                      |  |

|  |                           |  |
|--|---------------------------|--|
| <b>Derbyshire County Council (Place)</b>   | <b>No comments</b>        | <b>Refer to Other Matters Section.</b> |
| <p>20.07.23:</p> <p>No comment concerning infrastructure and services as this does not meet the thresholds of our Developer Contributions Protocol.</p>  |                           |  |
| <b>HPBC Environmental Health</b>   | <b>Condition Response</b> | <b>Refer to Other Matters Section.</b> |
| <p>14.09.23:</p> <p>Environmental Health (Pollution) have no objection in principle; however, the following comments are made.</p> <p><u>Land Contamination</u><br/>This land has previously been assessed with regards to land contamination, with a commercial end use. It will need to be re-assessed with a residential end use. Your attention is drawn to proposed condition 1 of consultation response HPK/2019/0417</p> <p><u>Construction phase conditions</u><br/>Your attention is drawn to proposed conditions 2 to 6 of consultation response HPK/2019/0417.</p> <p><u>Noise</u><br/>Your attention is drawn to proposed condition 7 of consultation response HPK/2019/0417.</p> <p>Refer to Public File for HPK/2019/0417 Environmental Health Response.</p> |                           |  |
| <b>United Utilities</b>  | <b>No objections.</b>     | <b>Refer to Other Matters Section</b>  |
| <p>Should the applicant receive Planning in Principle permission for this proposal, United Utilities will review the drainage element of any application for Technical Detail Consent in line with the surface water hierarchy. United Utilities will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable.</p> <p>Refer to public file for full consultation response.</p>  |                           |  |

## 7. POLICY AND MATERIAL CONSIDERATIONS

### Decision Making Framework

7.1 Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material

considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the Adopted Local Planning Authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations". The Development Plan for the Borough consists of the Adopted High Peak Local Plan dated April 2016 and the Chapel-en-le-Frith Neighbourhood Plan

7.2 Achieving sustainable development sits at the heart of the NPPF. Paragraph 8 of the NPPF outlines that achieving sustainable development requires the consideration of three overarching and mutually dependant objectives being: economic, social and environmental where they are to be applied to local circumstances of character, need and opportunity of each area. These objectives are interdependent and should be pursued in mutually supportive ways and comprise;

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering well designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well being; and,
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making the effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.3 LP (Local Plan) Policy S1a establishes a presumption in favour of sustainable development as contained within NPPF paragraph 11. It requires decision makers to apply a presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless:-

- I. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.4 The Council can currently demonstrate 6.28 years supply of housing land (as at 1st April 2022). This represents a total annual housing requirement (April 2022 to

March 2027) including a 5% buffer. Accordingly, for decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay within the context of NPPF paragraph 11.

- 7.5 On 23rd June 2022, the Council Executive agreed High Peak Local Plan Policies S3 'Strategic Housing Development', S4 'Maintaining and enhancing an economic base' and Policy H4 'Affordable Housing' were deemed out of date for development management purposes, meaning less weight can be given to them when determining planning applications. For the avoidance of doubt, all other policies within the High Peak Local Plan should continue to be given full weight until further notice. New evidence informing the Local Plan review is also available.

### **Permission in Principle**

- 7.6 In relation to the Permission in Principle sought for the scheme as outlined, the Government's Planning Practice Guidance sets out the following matters of relevance to scheme determination:

*The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.*

*The site must receive a grant of technical details consent before development can proceed. The granting of technical details consent has the effect of granting planning permission for the development. Other statutory requirements may apply at this stage such as those relating to protected species or listed buildings. Technical details consent can be obtained following submission of a valid application to the local planning authority. An application for technical details consent must be in accordance with the permission in principle that is specified by the applicant.*

*Site allocations in existing local or neighbourhood plans do not have a grant of permission in principle; however, planning applications should be decided in accordance with those site allocations unless material considerations indicate otherwise.*

*The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.*

*Where permission in principle is granted by application, the default duration of that permission is 3 years.*



*An application for technical details consent must be decided in accordance with the terms of the permission in principle granted for the site. The requirements that apply to decisions on other types of application for planning permission also apply, including that the decision must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise.*

*Local planning authorities must specify the location of the site, the type of development and provide an indication of the amount of development the site has permission in principle for. The amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings (ie taking in to account any existing dwellings on the site) which are, in principle, permitted.*

*It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development. Local planning authorities can inform applicants about what they expect to see at the technical details consent stage.*

*It is possible for the local planning authority to attach planning conditions to a technical details consent providing they meet existing requirements around the use of conditions.*

*Local planning authorities may agree planning obligations at the technical details consent stage where the statutory tests have been met. Planning obligations cannot be secured at the permission in principle stage. Local planning authorities can inform applicants that planning obligations may be needed at the technical details consent stage.*

*Local planning authorities must also consult any body that they would have been required to consult in relation to an application for planning permission, for example under relevant consultation or safeguarding directions. Where consultation is required, the local planning authority should provide the statutory body with any relevant information it holds about the site.*

- 7.7 Consequently, the scope of permission in principle (PIP) applications is limited to location, land use and amount of development whereby issues relevant to these 'in principle' matters should be considered at the PIP stage. Where PIP is granted by application, the default duration of the relevant permission would be 3 years. Local planning authorities must specify the location of the site, the type of development and provide an indication of the amount of development the site has permission in principle for. The amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings (i.e. taking into account any existing dwellings on the site) which are, in principle, permitted. It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development.

## Employment

- 7.8 Overarching Local Plan (LP) Policy SS1 'Sustainable Development Principles', amongst other matters, advocates: "*Supporting the local economy and businesses by providing for a range of economic development that provide employment opportunities suitable for local people in sustainable locations, and generally encourage larger developments to incorporate mixed uses where possible so as to reduce the need to travel*".
- 7.9 Strategic Local Plan (LP) Policy S2 'Settlement Hierarchy' directs development towards the most sustainable locations in accordance with the stated settlement hierarchy. For larger villages such as Chinley it states: "*where a moderate scale of development may be acceptable, consistent with meeting local rural needs and maintaining or enhancing their role, distinctive character or appearance whilst also maintaining existing facilities and services*".
- 7.10 LP Policy S4 'Maintaining and enhancing an economic base' establishes the overall requirement for employment land across the Borough at 45 ha (hectares). The policy also set out strategic priorities and vision for employment growth, including; support growth in knowledge-based industry, start-ups, home-working, visitor economy and rural diversification.
- 7.11 As stated above, LP Policy S4 regarding employment needs was also found to be out of date due to new local plan evidence (HELNA). Around 30 ha of land has been identified as being needed to support the economy in High Peak up to the year 2041, which is lower than the current Local Plan need figure of 45 ha.
- 7.12 The High Peak Housing and Economic Land Needs Assessment (HELNA) dated September 2022 key findings in relation to the economy identifies the following matters:
- There is little to no need for additional office floorspace
  - There continues to be a demand in both Buxton and Glossop for industrial units whereby small industrial estates serve a stable market
  - The Borough has a relative scarcity of smaller industrial sites between 2,000 (188sqm) and 3,000 sqft (279sqm) per unit and these are the units most in demand
  - Based on an assessment of a variety of demographic and economic scenarios, the likely overall need for employment land is within the range of 25-34ha, however, based on past trends, the need could be as high as 54ha
- 7.13 LP Policy E1 'New Employment Development' states "New business and industrial developments in sustainable locations that contribute towards the creation and retention of a wide range of jobs, education and training opportunities will be supported. This will be achieved by:
- *Supporting the development of sites allocated for future employment*
  - *Encouraging the redevelopment, intensification and more efficient use of Primary Employment Zones where they are either not fully utilised or unsuited to modern employment requirements, particularly those sites located within the main towns*

*and those with good access by a variety of transport modes provided that they accord with Local Plan Policy E3 and the wider Local Plan policies*

- *Protecting employment allocations, Primary Employment Zones and non-designated employment premises to ensure that development would not result in the loss of land or buildings from employment use unless the proposals accord with Local Plan Policy E4 - Change of Use on Existing Business Land and Premises*
- *Supporting business development outside of allocated employment sites or Primary Employment Zones but within the built up area when it would not create undue harm to the character, appearance or amenity of the area.*
- *Supporting business development within the countryside that accords with Local Plan EQ3 – Rural Development ...”.*

7.14 Notwithstanding this, and in relation to ‘Change of Use Proposals on Existing Business Land and Premises’, the preamble to LP Policy E4 states:

*“The Council will seek to retain employment land and premises that are required to support the local economy. Nevertheless, it is recognised that there will be circumstances during the plan period that will require the redevelopment of some employment land for other beneficial uses. Such circumstances may include changes to the financial or commercial viability of the employment use or premises that indicate that the continued employment use of the site by any business is no longer feasible. In such instances, applicants will be required to demonstrate that there no market demand for the land or premises for employment use by conducting a comprehensive marketing exercise.*

*There may also be circumstances where the land or building is no longer suitable for continuation of in employment use, for example the business or industrial use may no longer be compatible with neighbouring properties or uses such as housing in terms of its impact on the local environment or amenity for example.*

*Where a change of use on an employment site is proposed, preference will be given to mixed-use schemes that retain an element of employment uses. In particular, it is acknowledged that in some cases, some higher value enabling development may be required to support investment in buildings or infrastructure for business use”.*

7.15 LP Policy E4 wording states: “Development proposals involving the redevelopment or change of use of existing business or industrial land or premises (falling within Use Classes B1, B2 or B8) for non-employment uses will only be permitted where:

1. *The continuation of the land or premises in industrial or business use is constrained to the extent that it is no longer suitable or commercially viable for industrial or business use as demonstrated by marketing evidence commensurate with the size and scale of development; and the proposed use is compatible with neighbouring uses, or*
2. *An appropriate level of enabling development is required to support improvements to employment premises or supporting infrastructure. In such cases, a viability appraisal should be submitted to demonstrate that a change of use or redevelopment of the site is required to fund the improvements. Mixed-use proposals should not create any environmental, amenity or safety issues.*

*Proposals that would result in an under-supply of suitable employment land in relation to identified needs will not be permitted”.*

- 7.16 NPPF Paragraph 81 states: *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.*
- 7.17 Planning permission ref. HPK/2012/0323 for the *‘Demolition of all remaining structures and redevelopment for up to 182 dwellings, up to 1,672sqm of business floorspace (Use Class B1), up to 279sqm of non-residential institution floorspace (Use Class D1), community facilities and associated infrastructure’* was allowed on appeal whereby principle matters proposing mixed use development within a designated primary employment zone was not contested.
- 7.18 Reserved matters approval ref. HPK/2013/0577 for Phase 1, secured planning permission for the construction of 91 dwellings, B1 employment unit (420sqm) and creche facility. In addition, a further reserved matters submission ref. HPK/2016/0313 has been granted approval for an additional 62 dwellings to total 153 dwellings. Latterly, a separate planning permission was submitted for the nursery facility. Excepting the permitted employment unit, these highlighted scheme aspects have been implemented with Phase 2 nearing completion.
- 7.19 Extant planning permission ref. HPK/2019/0417 comprises of B1 office / workshop space (189sqm) on the ground floor and an apartment above subject to employment use class (B1) and an occupancy condition in relation to the live / work unit above. The development was found to be acceptable by securing a mixed use scheme. Subsequently, a granted lawful development certificate ref. HPK/2022/0520 has confirmed a material start onsite in conjunction with this consent and therefore the development as approved can be carried out lawfully.
- 7.20 The applicant’s justification for ref. HPK/2019/0417 is stated as follows:

*“The large workshop space underneath the apartment is to be let on a commercial basis to my long-term employer Magnetic Analysis. I work as a senior engineer for Magnetic Analysis Ltd. Magnetic Analysis were established in New York, USA in 1928 and manufacture non-destructive test equipment for the metals industry. This high-speed electronic test equipment uses magnetic fields and ultrasound to find microscopic defects in metals products. All manufacturing takes place in Elmsford, New York and at another subsidiary based in Oestersund, Sweden. However, our equipment is sold and installed globally with many installations in the UK and mainland Europe. Magnetic Analysis Ltd support these European installations by providing onsite service through a network of engineers stationed throughout Europe. We maintain a workshop facility in the UK (currently in Sheffield) for the service, repair and calibration of the electronics for UK and European installations. The Forge Rd site is of interest since it offers an opportunity for a modern purpose-built workspace from which we can operate and expand our operation as the European service centre.*

*The large workspace will primarily be used for the service, repair and calibration of electronic test equipment. The nature of this work will have no impact on the amenity of the neighbouring housing development. In addition to the service and calibration of electronic instrumentation the workshop is also used for the service and repair of some larger items of test equipment. This equipment, the largest of which is the size of domestic oven, is dismantled before undergoing a detailed inspection for wear or defects before re-assembly. The delicate and sensitive nature of the components requires that the work is carried out in clean laboratory conditions.*

*In my seven years of working with Magnetic Analysis and living in New Mills (I have been living in New Mills since 2000) I have developed strong links with local engineering and technology firms who we use to produce any components required during the service of these machines. They also manufacture on our behalf components we have designed for modification of equipment to improve service life or performance. Current local suppliers for firms we have links with include but are not limited to:*

- *J&F Tools, New Mills*
- *Morgan Ward/MainCal, Whaley Bridge*
- *Dilworth and Morris, New Mills*
- *High Peak Report Steel, Whaley Bridge*
- *Alken Engineering, New Mills*

*Currently Magnetic Analysis Ltd employ 3 people in the UK all of whom reside in the Derbyshire area. Plans for expansion of the European service centre at the Forge Road site could see this increase with the employment of 2-3 further technicians to work on the electronics both in the workshop and off site at customer's premises. Recruitment would prioritise candidates from the local area. This is with specific intention of reducing the environmental impact of the business by further limiting road miles”.*

7.21 The planning history for the site is a material consideration in the assessment of the scheme whereby the applicant can lawfully carry out the live / work unit.

7.22 The Planning Statement sets out the following matters in support of the applicant's now residential scheme:

*“The principle of a building on this site has been accepted following the grant of planning permission for previous mixed-use development approved under planning application HPK/2019/0417, which allowed for the construction of a two-storey building comprising of office workshop on the ground floor with a flat above. There has been a change of circumstances for the applicant since the permission was granted in 2019. At the time, the applicant had intended to relocate his small metal testing equipment business from Sheffield to Chinley. This would have enabled him to relocate both his home and business onto the same site and reduce commuting.*

*Unfortunately, as a result of the Covid pandemic and a change to plans for future development of the applicant's business and working life means that the combined work/live space is no longer appropriate or a viable option for him anymore. Consequently, an alternative use is now being sought for the site”.*

- 7.23 In these circumstances, and given the fallback position of the live / work unit, which has not yet been constructed, the applicant would need to robustly demonstrate that the application site is no longer considered either suitable or commercially viable for industrial or business (including live / work) use by conducting a comprehensive marketing evidence for a range of tenures over a sustained period of time (6 to 12 months) accompanied by a Property Agents Report.
- 7.24 Despite the applicant's stated change in circumstances, the loss of an employment premise and land by presenting a solely residential scheme without robust justification forms the main reason for objecting to this scheme, particularly in relation to LP Policies E1 and E4, which seeks to protect designated and non-designated employment buildings and land in sustainable locations, which contribute towards the creation and retention of a wide range of jobs, education and training opportunities. In addition, as highlighted above, the HELNA states that the Borough has a relative scarcity of smaller industrial sites between 2,000 (188sqm) and 3,000 sqft (279sqm) per unit and these are the units most in demand.
- 7.25 Accordingly, the scheme conflicts with LP Policies E1 'New Employment Development' and E4 'Change of Use Proposals on Existing Business Land and Premises' as well as the NPPF and a reason for refusal is proposed in these regards.

## Housing

- 7.26 Notwithstanding the loss of employment land / premises objection as stated above, the scheme will also need to be assessed regarding a scheme for up to 9 dwellings regarding the provision of new housing development within the built up area boundary.
- 7.27 Neighbourhood Plan Policy H1: Housing Allocations is herein relevant, which states: *"This Plan allocates land for a minimum of 454 new homes, where, subject to meeting the requirements of the Plan, as well as other relevant national and local planning requirements, planning permission will be granted for the approximate number of homes shown. The allocations include HS2 Former Dorma site for 182 dwellings"*.
- 7.28 The Planning Practice Guidance note states that: *"The amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings (ie taking in to account any existing dwellings on the site) which are, in principle, permitted"*. As a matter of principle, the stated range of up to 9 dwellings does not present a minimum number. However, the applicant has now clarified that the development range is from a minimum of 2 to a maximum of 9 dwellings.
- 7.29 The applicant refers to Neighbourhood Plan Policy H1: Smaller Sites, which states: *"Permission will be granted for small residential developments of fewer than 6 units on infill and redevelopment sites within the Parish that lie outside the Peak District National Park. Proposals should be within the built-up area, be of a high quality and should not reduce garden space to an extent where 'it adversely impacts on the character of the area, or the amenity of neighbours'"*.

7.30 LP Plan H1 'Location of New Housing Development states that: "*The Council will ensure provision is made for housing taking into account all other policies in this Local Plan by:*

- *Supporting the development of specific sites through new site allocations in the Local Plan or a Neighbourhood Plan*
- *Promoting the effective reuse of land by encouraging housing development including redevelopment, infill, conversion of existing dwellings and the change of use of existing buildings to housing, on all sites suitable for that purpose*
- *Supporting housing development on unallocated sites within defined built up area boundaries of the towns and larger villages*
- *Encouraging the inclusion of housing in mixed use schemes where housing can be accommodated in an acceptable manner without compromising other planning objectives Supporting development identified through a Community Right to Build Order*
- *Supporting self build housing schemes".*

7.31 The development utilising previously developed land and proposing a more limited residential development scale within the defined built up area boundary of a larger village is acknowledged to meet with LP Policy H1 'New Housing Development' in these regards.

7.32 The site is clearly capable of accommodating some form of residential development with particular regard to extant planning permission ref. HPK/2019/0417 for a live / work unit and overall housing estate context. The fallback position, however, would not justify a 3-storey development, which would appear visually incongruous and represent overdevelopment within its setting. Whilst acknowledging the indicative nature of the submitted floor / elevational plans, it is difficult to envisage how the scheme would achieve a maximum of 9 dwellings on the application site whilst striving for high design quality and good amenity standards.

7.33 Accordingly, the scheme conflicts with LP Policies SS1, SS6 and EQ6, in particular, as well as the NPPF and a reason for refusal is further recommended in these regards.

## **Other Matters**

7.34 Subject to detailed scheme design, residential amenity would be considered at the technical details stage as would matters pertaining to highway safety, flood risk, ecology and trees.

## **8. PLANNING BALANCE AND CONCLUSION**

8.1 Despite the scheme's sustainable, larger village location, it has fundamentally failed to justify loss of employment use. Whilst the maximum development quantum of 9 dwellings would result in an intrusive form of development and in particular fails to provide a high quality form of development. Accordingly, the development is contrary to the provisions of the development plan as a whole as well as the NPPF and should be refused.

## 9. RECOMMENDATION

### A. REFUSE for the following reasons:

1. The proposal scheme has failed to demonstrate that the application site in either a light industrial and / or commercial / business use would be constrained to the extent that it is no longer suitable or commercially viable for industrial or business use as demonstrated by marketing evidence commensurate with the size and scale of development or would be incompatible with neighbouring uses contrary to Policies SS1, S5, E1 and E4 of the Adopted High Peak Local Plan 2016.
2. The proposal for a maximum of 9 dwellings would result in an intrusive form of development and in particular fails to provide a high quality form of development, which would contribute positively to the area's character contrary to Policies SS1, S5 and EQ6 of the Adopted High Peak Local Plan 2016, Residential Design Guide SPD 2005 and High Peak Design Guide SPD 2018.

- B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

### Location Plan

